

10/688,332

REMARKS

The present Response is submitted in reply to the Official Action of May 26, 2005.

Claims 12-5 and 17-21 are presently pending in this Application, after withdrawal of claims 16 and 22 in view of the election of the invention described in Figs. 1, 2 and 3.

The Examiner objects to the Abstract of the Disclosure as not being of the required minimum length and the raised objection is overcome by the above requested new Abstract. If the any further amendment to the Abstract is believed necessary, the Examiner is invited to contact the undersigned to discuss the proposed change(s) to the same. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw the objection to the Abstract of the Disclosure.

The Examiner objects to claims 13 and 14 for informalities therein and rejects claims 14 and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to have overcome the stated grounds for objection and to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised formalities objections and the indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case. In view of the entered claims amendments, the Applicant respectfully requests that the Examiner reconsider and withdraw and objections and rejections of the claims under 35 U.S.C. § 112.

Next, the Examiner rejects claims 12, 13, 15 and 17-21 under 35 U.S.C. § 102(b), as being anticipated by Bosko et al. '167. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

The Applicant thanks the Examiner for indicating that claim 14 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form

8/25/05 - 12:04 PM

10/688,332

to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, claim 14 is amended to overcome the rejections under 35 U.S.C. § 112 and rewritten in independent form, including all limitations of base claim 12. It is respectfully submitted that claim 14 is now in allowable form, and the Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claim 14, and allowance claim 14 as amended herein above.

It will also be noted that in addition to amending claims 13, 14 and 15 to overcome the objections due to informalities and the rejections under 35 U.S.C. § 112, the Applicant amended claims 13, 15 and 17 through 21 to depend from allowable claim 14, so that claims 13, 15 and 17-21 now incorporate all recitations and limitations of allowable base claim 14. It is, therefore, respectfully submitted that claims 13, 15 and 17-21 are now allowable as well, thereby rendering moot the rejections of these claims under 35 U.S.C. § 102(b) over Bosko et al. '167. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw the rejections of claims 13, 15 and 17-21, under 35 U.S.C. § 112 over Bosko et al. '167, and allow claims 13, 15 and 17-21 as amended herein above.

It is also the Applicant's belief, after consideration of the present invention in light of the teachings of Bosko et al. '167, that the present invention is further patentably distinguished over and from Bosko et al. '167 in a number of fundamental aspects. As will be discussed below, not only are certain of these distinctions explicitly recited in claim 14, as amended herein above, but certain of these distinctions are also explicitly recited in new independent claims 23 and 24.

For example, it is noted that Bosko et al. '167 specifically teaches, such as at column 3, lines 53-59, that the transmission output shaft 30 should be connected from the web carrier 26 of the output planetary gear assembly and, at column 3 line 59, through column 4, line 60, for example, that the inputs to the output planetary assembly should be connected to the sun gear 20 and to the ring gear 22.

8/25/05 - 12:04 PM

10/688,332

In basic contrast to Bosko et al. '167, the transmission according to the presently claimed invention connects the output shaft to the ring gear and the planetary gear assembly inputs to the sun gear and web carrier, thereby resulting in an output planetary assembly having substantially different characteristics than that taught by Bosko et al. '167. It should be noted that such distinction, in addition to other distinguishing features, are explicitly recited in claim 14 as amended herein above.

In even more fundamental distinction between the presently claimed invention and the transmission taught by Bosko et al. '167, it must be noted that while the transmission of the present invention specifically requires only a single planetary assembly, the transmission taught by Bosko et al. '167 explicitly requires two planetary assemblies, which are connected in series. That is, while the Bosko et al. '167 transmission includes an output planetary assembly comprising a sun gear 20, a ring gear 22 and a web carrier 26 supporting planet gears 28, this planetary assembly is not connected directly from the gearwheel assembly comprising gears 46-56. Instead, the Bosko et al. '167 transmission interposes a second planetary assembly, comprising a sun gear having a floating gear 55, a ring gear 64 and a web carrier and planet gears comprising the first counter shafts 35 and gears 56, between the gear wheel assembly and the output planetary assembly comprising the sun gear 20, the ring gear 22 and the web carrier 26 with planet gears 28.

The transmission of the present invention is thereby fundamentally distinguished from the Bosko et al. '167 transmission because the Bosko et al. '167 transmission requires two sequential planetary assemblies while the transmission of the present invention requires only a single planetary assembly. Again, it should be noted that this distinction, together with other recited features, are explicitly recited in claim 14 as amended herein above as well as new independent claim 23.

In yet further fundamental distinction between the transmission of the present invention and the transmission taught by Bosko et al. '167, the Bosko et al. '167 requires a first

8/25/05 - 12:04 PM

10/688,332

countershaft means that comprises "at least two and preferably three countershafts 35", as well as a second countershaft means 36. In basic distinction from the teachings of Bosko et al. '167, the transmission of the present invention includes a countershaft corresponding generally to the "second countershaft means 36", but, as clearly shown in Fig. 2, requires only a single "first counter shaft" rather than "at least two and preferably three countershafts 35". It should be noted that this fundamental distinction between the present invention and the teachings of Bosko et al. '167 is explicitly recited in new independent claim 24.

It is, therefore, the Applicant's belief that not only is claim 14, as amended herein above, fundamentally distinguished over and from the teachings of Bosko et al. '167 under the requirements and provisions of 35 U.S.C. § 102 and 35 U.S.C. § 103, but that for the reasons discussed above new independent claims 23 and 24 are likewise fundamentally distinguished over and from the teachings of Bosko et al. '167 under the requirements and provisions of 35 U.S.C. § 102 and 35 U.S.C. § 103. The Applicant, therefore, respectfully requests the entry and allowance of new claims 23 and 24 as presented herein above and withdrawal of all of the raised rejections at this time.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of Bosko et al. '167, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at

8/25/05 - 12:04 PM

10/688,332

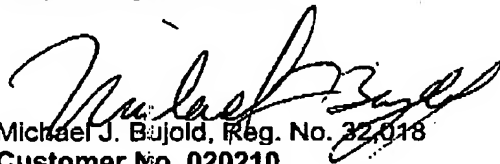
this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

500 North Commercial Street

Manchester NH 03101-1151

Telephone 603-624-9220

Facsimile 603-624-9229

E-mail: patent@davisandbujold.com